



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/782,920

02/23/2004

Akihiro Daikoku

514242000300

7541

25227

7590

03/17/2005

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER

HARRINGTON, ALICIA M

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,920

Applicant(s)

DAIKOKU, AKIHIRO

Examiner

Alicia M. Harrington

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Examiner has considered the information disclosure statement filed on 2/23/04.

Drawings

2. Figures 13-16 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

Art Unit: 2873

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

4. The abstract of the disclosure is objected to because the abstract contains claim language (for example : comprising). Correction is required. See MPEP § 608.01(b).
5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 7- 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato (US 5,754,350).

Regarding claim 1, Sato discloses an optical pickup lens comprising a lens (HL) and a lens holder (50), wherein each of the lens and the lens holder has at least one mark (60 or 50d) in a direction rotation (around the circumference of the lens) based on an optical axis (0) of the lens as a center of rotation (see col. 3, lines 19-20; col. 4, lines 55-67; col. 7, lines 60-67 and col. 8, lines 1-10).

Art Unit: 2873

Regarding claim 2, Sato discloses an optical pickup lens according to claim 1, wherein the mark (50d) of the lens holder is provided so as to oppose (be against) the mark of the lens (see col. 8, lines 1-7 and col. 5, lines 33-40).

Regarding claim 3, Sato discloses an optical pickup lens according to claim 1, wherein the marks of the lens and the lens holder are provided at regular intervals, respectively (col. 8, lines 1-8).

Regarding claim 7, Sato discloses an optical pickup lens according to claim 1, wherein the lens (HL) has a rounded edge (see figure 2), and the mark of the lens (60) is provided on the round edge.

Regarding claim 8, Sato discloses an optical pickup lens according to claim 1, wherein the mark of the lens (60) is a line, a convex portion or a concave portion (annular groove; see col. 4, lines 55-65).

Regarding claim 9, Sato discloses an optical pickup lens according to claim 8, wherein the convex portion is provided as the mark of the lens (annular groove; 60), and a fitting portion which fits with the convex portion of the lens is provided on the lens holder (col. 5, lines 17-59 and see figures 2-3).

Regarding claim 10, Sato discloses an optical pickup lens according to claim 9, wherein a plurality of fitting portions each of which fits with the convex portion of the lens are provided on the lens holder by providing a plurality of ribs (50d and 50d1) each of which opposes the convex portion the lens and protrudes direction parallel to the optical axis of the lens (see figures 2-3).

Regarding claim 16, Sato discloses an optical pickup unit (camera) comprising the optical pickup lens (HL) according to claim 1.

Art Unit: 2873

8. Claims 1-3, 7- 9,11,12,16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hori (US 6,215,604).

Regarding claim 1, Hori discloses an optical pickup lens comprising a lens (40) and a lens holder (20 or 60), wherein each of the lens and the lens holder has at least one mark (48 and 66) in a direction rotation (around the circumference of the lens) based on an optical axis of the lens as a center of rotation (see col. 2, lines 15-25; col. 3, lines 54-67; col. 4, lines 24-57; see figures 4-7).

Regarding claim 2, Hori discloses an optical pickup lens according to claim 1, wherein the mark (66) of the lens holder is provided so as to oppose (be against) the mark of the lens (see col. 4, lines 25-35).

Regarding claim 3, Hori discloses an optical pickup lens according to claim 1, wherein the marks of the lens (48) and the lens holder (66) are provided at regular intervals, respectively (see col. 4, lines 25-35).

Regarding claim 7, Hori discloses an optical pickup lens according to claim 1, wherein the lens (40) has a rounded edge (see figure 4b), and the mark of the lens (48) is provided on the round edge.

Regarding claim 8, Hori discloses an optical pickup lens according to claim 1, wherein the mark of the lens (48) is a line, a convex portion (see figure 4c) or a concave portion.

Regarding claim 9, Hori discloses an optical pickup lens according to claim 8, wherein the convex portion (48) is provided as the mark of the lens (40), and a fitting portion (66) which fits with the convex portion of the lens is provided on the lens holder.

Regarding claim 11, Hori discloses an optical pickup lens according to claim 9, wherein a plurality of fitting portions (66) each of which fits with the convex portion (48) of the lens

Art Unit: 2873

are provided on lens holder (20 or 60) by forming a plurality of grooves (trenches) each of which opposes the convex portion of the lens and extends in a direction parallel to the optical axis of the lens on a portion of the lens holder which receives an outer peripheral side portion of a round edge of the lens (see figure 6b, 7a).

Regarding claim 12, Hori discloses an optical pickup lens according to claim 9, wherein a plurality of fitting portions (66) each of which fits with the convex portion (48) of the lens are provided on the lens holder at regular intervals in a direction of rotation (circumference of the lens) based on the optical axis of the lens as the center of rotation.

Regarding claims 16-17, Hori discloses an optical pickup unit comprising the optical pickup lens (40) according to claim 1 (discusses the relevance of improving optical pick up units in optical recording mediums-optical disc).

9. Claims 1,2, 7- 9 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwaki et al. (US 6,144,500).

Regarding claim 1, Iwaki discloses an optical pickup lens comprising a lens (1) and a lens holder (5), wherein each of the lens and the lens holder has at least one mark (4 and 53) in a direction of rotation (around the circumference of the lens) based on an optical axis of the lens as a center of rotation (see col. 3, lines 15-30; col. 4, lines 1-15; see figures 4-6).

Regarding claim 2, Iwaki discloses an optical pickup lens according to claim 1, wherein the mark (53) of the lens holder is provided so as to oppose (be against) the mark of the lens (see col. 4, lines 1-25).

Art Unit: 2873

Regarding claim 7, Iwaki discloses an optical pickup lens according to claim 1, wherein the lens (1) has a rounded edge (see figure 5), and the mark of the lens (4) is provided on the round edge.

Regarding claim 8, Iwaki discloses an optical pickup lens according to claim 1, wherein the mark of the lens (4) is a line, a convex portion (see figure 5) or a concave portion.

Regarding claim 9, Iwaki discloses an optical pickup lens according to claim 8, wherein the convex portion (4) is provided as the mark of the lens (1), and a fitting portion (53) which fits with the convex portion of the lens is provided on the lens holder.

Regarding claim 14, Iwaki discloses an optical pickup lens according to claim 1, wherein the lens is a plastic lens (see col. 3, lines 15-20), and the lens (1) and the mark of the lens (4) is integrally formed (col. 3, lines 10-30).

Regarding claim 15, Iwaki discloses an optical pickup lens according to claim 14, wherein the mark of the lens is a convex (4) portion which is composed of a part or a whole of a gate portion of the lens which is left to remain after cutting the gate portion of the lens formed by a gate a mold through which a molten plastic is injected into the mold so as to form the lens (see col. 3, lines 10-67 and col. 4, lines 1-15; see figure 6); or the mark of the lens is a concave portion formed on the lens after cutting said gate portion of the lens.

Regarding claims 16-17, Iwaki discloses an optical pickup unit comprising the optical pickup lens (4) according to claim 1 (discusses the relevance of improving optical pick up units in optical recording mediums-optical disc-see col. 1).

Allowable Subject Matter

Art Unit: 2873

10. Claims 4,5,6,13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the dependent claims, in such manner that a rejection under 35 U.S.C 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims, which at least include an optical pick up lens according to claim 1, wherein one mark is provided on a position of a periphery of the lens, and at least eight marks are provided on positions the lens holder which are adjacent to the periphery of the lens.

Regarding claim 5, prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the dependent claims, in such manner that a rejection under 35 U.S.C 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims, which at least include an optical pickup lens according to claim 1, wherein one mark holder which is provided on a position of the lens holder which is adjacent to a periphery of the lens, and at least eight marks are provided on positions of the periphery of the lens.

Regarding claim 6, prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the dependent claims, in such manner that a rejection under 35 U.S.C 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims, which at least include an optical pickup lens according to

Art Unit: 2873

claim 1, wherein at least one of the marks of the lens is discriminated from the other marks of the lens.

Regarding claim 13, prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the dependent claims, in such manner that a rejection under 35 U.S.C 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims, which at least include an optical pickup lens according to claim 9, wherein angular intervals of the fittings portions of the lens are 45 degree.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Harrington whose telephone number is 571 272 2330. The examiner can normally be reached on Monday - Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571 272 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia M Harrington

Application/Control Number: 10/782,920

Page 10

Art Unit: 2873


AMH

Examiner
Art Unit 2873